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MEMO ENDORSED

The United States District Court
For The Southern District of New York

Abraham Junior Cruz : No. 1:20-CV-4392(VEC)(B.C.M.)
Plaintiff :

U-

: Honorable Judge Valerie E. Caproni

: Magistrate Judge Barbara Moses

Metropolitan Corr. Center,

William G. Ryans and

Suzanne Hastings,

Defendants.

Motion Requesting an Extension of Time to File Objections

I, Abraham (Junior) Cruz, move this Court to Prey that I will need an Extension of Time to File this Objection, these objections. To Stop, Statute of Limitations on All kin Cases:

1. The First is that The Courts has not Approved for New Evidence to be Accepted by The Courts from S.C.I.-Dallas, S.C.I.-Camp Hill and Federal Butler M. H. Hospital


In this letter, Mr. Cruz asks for an extension of his deadline to file objections to Magistrate Judge Moses' Report and Recommendation recommending that the Undersigned grant Defendants' motion to dismiss. His purported basis for the request is that the Court has not yet ruled on his outstanding motions relating to the admittance of certain evidence. The Court will now rule on those two motions.

Mr. Cruz's "motion to contour compliance" (Dkt. 66) and his motion to compel evidence (Dkt. 67) both seek to have the Court consider x-rays as evidence of the claims in his complaint. This is not the first time Mr. Cruz has made this request. *See* Request, Dkt. 62. Magistrate Judge Moses denied Mr. Cruz's previous request. *See* Order, Dkt. 65. Magistrate Judge Moses explained that because discovery has not commenced, any motion to compel or to seek an advance ruling as to the admissibility of certain evidence is premature. The Court agrees. Accordingly, Mr. Cruz's duplicative motions seeking to admit x-rays is DENIED.

The Court has now ruled on all the outstanding motions in this case, except for Defendants' motion to dismiss (Dkt. 51). The Court will grant Mr. Cruz one extension of his deadline to file objections to Magistrate Judge Moses' Report and Recommendation on that motion (Dkt. 72). Any objections by Mr. Cruz must be received by no later than **Friday, March 11, 2022**. The Court will not extend this deadline further.

The Clerk of Court is respectfully directed to close the open motions at docket entries 66, 67, and 73. The Clerk is further directed to mail a copy of this endorsement to Mr. Cruz, including the Court's Pennsylvania State Prison "control number" on the envelope.

SO ORDERED.

A handwritten signature in blue ink, appearing to read "Valerie Caproni", is written over a horizontal line.

Date: February 23, 2022

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE